

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 572

Introduced by Assembly Member Brownley

February 25, 2009

An act to add ~~Section 47604.1~~ *Sections 47604.1 and 47610.3* to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 572, as amended, Brownley. Charter schools: governing boards.

(1) Existing law prohibits certain public officials, including, but not limited to, members of governing boards of school districts and citizens' oversight committees, from engaging in specified activities that are inconsistent, ~~incompatible~~ *or incompatible with*, or inimical to, their duties as public officials, including, but not limited to, entering into a contract in which the official or the official's family member has a financial interest, as specified.

The Charter Schools Act of 1992 authorizes the establishment of charter schools to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning.

This bill would require *the governing board of* a charter school to adopt and comply with a conflict-of-interest policy. ~~By requiring charter schools to perform additional duties, this bill would impose a state-mandated local program.~~ *that includes, but is not necessarily limited to, adherence to specified requirements set forth in existing law. The bill would require a member of the governing board of a charter school to abstain from voting on all matters affecting his or her own employment and on personnel matters uniquely affecting a relative of*

the member, as defined, but would authorize a member to vote on matters that affect a class of employees to which the relative belongs.

(2) Existing law requires a charter school to comply with the laws specifically governing charter schools and with its charter, and otherwise exempts charter schools from the laws governing school districts, except as specified.

This bill would require the governing board of a charter school that is not operated by a state agency to comply with the Ralph M. Brown Act and would require the governing board of a charter school that is operated by a state agency to comply with the Bagley-Keene Open Meeting Act. The bill would require all charter schools to comply with the California Public Records Act.

(3) By requiring charter schools to perform additional duties, this bill would impose a state-mandated local program.

~~(2) The~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.*

The people of the State of California do enact as follows:

- 1 *SECTION 1. It is the intent of the Legislature in enacting this*
- 2 *act to do all of the following:*
- 3 *(a) Establish conflict-of-interest policies for charter school*
- 4 *governing boards that mirror existing conflict-of-interest policies*
- 5 *followed by school district governing boards.*
- 6 *(b) Provide transparency in the operations of the many charter*
- 7 *schools that are providing quality educational options for parents*
- 8 *and pupils and renew the faith of parents and the community that*
- 9 *their local charter school is acting in the best interests of pupils.*
- 10 *(c) Continue to provide greater autonomy to charter schools*
- 11 *than traditional public schools and provide greater transparency*
- 12 *to parents and the public with regard to the use of public funds by*

1 charter school governing boards for the educational benefit of
2 their pupils.

3 SEC. 2. Section 47604.1 is added to the Education Code, to
4 read:

5 47604.1. (a) It is the intent of this section to establish standards
6 and procedures consistent with the Charter Schools Act of 1992
7 to avoid conflicts of interest in charter schools.

8 (b) Notwithstanding any other provision of law, the governing
9 board of a charter school shall adopt and comply with a
10 conflict-of-interest policy. The policy shall include, but is not
11 necessarily limited to, the requirement that members of the
12 governing board of the charter school abide by Article 4
13 (commencing with Section 1090) of Chapter 1 of Division 4 of
14 Title 1 of the Government Code and Chapter 7 (commencing with
15 Section 87100) of Title 9 of the Government Code.

16 (c) A member of the governing board of a charter school shall
17 abstain from voting on all matters affecting his or her own
18 employment.

19 (d) A member of the governing board of a charter school shall
20 abstain from voting on personnel matters that uniquely affect a
21 relative of the member but may vote on collective bargaining
22 agreements and personnel matters that affect a class of employees
23 to which the relative belongs. For purposes of this section,
24 “relative” means an adult who is related to the person by blood
25 or affinity within the third degree, as determined by the common
26 law, or an individual in an adoptive relationship within the third
27 degree.

28 (e) A person shall be disqualified from serving on the governing
29 board of a charter school if the person is disqualified by the
30 California Constitution or laws of the state from holding a civil
31 office.

32 SEC. 3. Section 47610.3 is added to the Education Code, to
33 read:

34 47610.3. (a) Unless otherwise specified in this section, the
35 governing board of a charter school shall comply with the Ralph
36 M. Brown Act (Chapter 9 (commencing with Section 54950) of
37 Part 1 of Division 2 of Title 5 of the Government Code).

38 (b) The governing board of a charter school operated by a state
39 agency shall comply with the Bagley-Keene Open Meeting Act

1 *(Article 9 (commencing with Section 11120) of Chapter 1 of Part*
2 *1 of Division 3 of Title 2 of the Government Code).*

3 *(c) A charter school shall comply with the California Public*
4 *Records Act (Chapter 3.5 (commencing with Section 6250) of*
5 *Division 7 of Title 1 of the Government Code).*

6 ~~SECTION 1. Section 47604.1 is added to the Education Code,~~
7 ~~to read:~~

8 ~~47604.1. Notwithstanding any other provision of law, a charter~~
9 ~~school shall adopt and comply with a conflict-of-interest policy.~~

10 ~~SEC. 2.~~

11 *SEC. 4.* If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.